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**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

ANIBAL RODRIGUEZ, SAL CATALDO,  
 JULIAN SANTIAGO, HAROLD  
 NYANJOM, KELLIE NYANJOM, and  
 SUSAN LYNN HARVEY, individually and  
 on behalf of all others similarly situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

Case No.: 3:20-cv-04688

**PLAINTIFFS' STATEMENT  
 RESPECTING PROVISIONALLY  
 SEALED MATERIAL IN EXHIBIT D TO  
 PRIVILEGE LOG LETTER BRIEF**

**(CIVIL LOCAL RULE 79-5)**

Judge: Alex G. Tse  
 Courtroom A – 15th Floor  
 Trial Date: Not Set

## I. INTRODUCTION

Pursuant to Civil Local Rule 79-5(f)(3), Plaintiffs submit this statement of reasons for keeping under seal limited material redacted in Exhibit D to the parties' joint letter brief regarding Plaintiffs' privilege log, *see* ECF No. 236, 237-4. The only material that Plaintiffs seek to maintain under seal is personally identifying information, including phone numbers, work and residential addresses, and email addresses belonging to parties and non-parties. This information is immaterial to the resolution of the parties' non-dispositive dispute, and disclosing it would compromise the individuals' privacy interests.

## II. LEGAL STANDARD

The Ninth Circuit has “‘carved out an exception to the presumption of access’ to judicial records for a ‘sealed discovery document [attached] to a non-dispositive motion,’ such that ‘the usual presumption of the public’s right of access is rebutted.’” *Kamakana v. Cty & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) (alterations in original, citations omitted). “[A] ‘particularized showing,’ under the ‘good cause’ standard of Rule 26(c) will ‘suffice[] to warrant preserving the secrecy of sealed discovery material attached to non-dispositive motions.’” *Id.* at 1180 (citation omitted). Such a showing may include “privacy concerns” implicated by the disclosure of personal information. *E. & J. Gallo Winery v. Instituut Voor Landbouw-En Visserijonderzoek*, No. 1:17-CV-808-DAD, 2018 WL 4961606, at \*2 (E.D. Cal. Oct. 12, 2018).

## III. DISCUSSION

Plaintiffs seek to seal the personal and professional phone numbers, email addresses, and physical addresses included in Exhibit D to the parties' joint letter brief regarding Plaintiffs' privilege log, ECF Nos. 236, 237-f. That information relates to Sal Cataldo, a Plaintiff in this case; Mark Mao, one of Plaintiffs' attorneys; and Ethan Dunn, an otherwise uninvolved nonparty. Maintaining the confidentiality of this personal information “protect[s] an individual’s privacy

1 interest and ... prevent[s] exposure to harm or identity theft.” *Nursing Home Pension Fund v.*  
 2 *Oracle Corp.*, No. C01-00988-MJJ, 2007 WL 3232267, at \*2 (N.D. Cal. Nov. 1, 2007). The  
 3 information at issue is irrelevant to both the merits of the claims and the issues addressed in the  
 4 parties’ joint letter brief. Google has already filed Exhibit D using the most restrictive redactions  
 5 possible, sealing only personal information and leaving everything else, including the names  
 6 associated with email addresses, unredacted.

7  
 8 In light of the foregoing, there is good cause to keep the limited amount of personal  
 9 information under seal. Courts routinely grant motions to seal this kind of information, even under  
 10 the more demanding standard applicable to materials filed in connection with dispositive motions.  
 11 *See, Cancino Casteallar v. Mayorkas*, No. 17-CV-491-BAS-AHG, 2021 WL 3678440, at \*3 (S.D.  
 12 Cal. Aug. 19, 2021) (collecting cases); *Am. Auto. Ass’n of N. Calif., Nev. & Utah v. Gen. Motors*  
 13 *LLC*, No. 17-CV-3874-LHK, 2019 WL 1206748, at \*2 (N.D. Cal. Mar. 14, 2019) (finding  
 14 compelling reasons to seal “names, addresses, phone numbers, and email addresses”); *see also In*  
 15 *re Midland Nat’l Life Ins. Co. Annuity Sales Practices Litig.*, 686 F.3d 1115, 1120 (9th Cir. 2012)  
 16 (directing the district court to allow redaction of “sensitive personal” information).

#### 17 18 **IV. CONCLUSION**

19 For the reasons set forth above, Plaintiffs respectfully request that the Court maintain the  
 20 highlighted portions of the joint letter brief under seal.

21  
22  
23 Dated: May 12, 2021

Respectfully submitted,

24  
25 By: /s/ Amanda Bonn

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